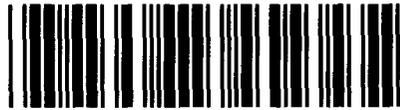




Control Number: 49419



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. 49419

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PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF NCP CANADIAN §
BREAKS HOLDINGS LLC FOR § BEFORE THE
APPROVAL PURSUANT TO § PUBLIC UTILITY COMMISSION
SECTION 39.158 OF THE PUBLIC § OF TEXAS
UTILITY REGULATORY ACT §

**APPLICATION OF NCP CANADIAN BREAKS HOLDINGS LLC FOR APPROVAL
PURSUANT TO SECTION 39.158 OF THE PUBLIC UTILITY REGULATORY ACT**

TO THE HONORABLE CHAIRMAN AND COMMISSIONERS OF THE PUBLIC UTILITY
COMMISSION OF TEXAS:

Pursuant to Sections 39.158 and 39.154 of the Public Utility Regulatory Act (“PURA”),¹ NCP Canadian Breaks Holdings LLC, a Delaware limited liability company (hereafter, “Applicant”) submits this application (“Application”) for Commission approval of the proposed transaction, wherein Siemens Financial Services, Inc. (“SFS”) and Antrim Corporation (“Antrim,” and together with SFS, the “Tax Equity Investors”) will acquire 100 percent of the passive, non-managing Class A tax equity interests in Canadian Breaks Holdings, LLC (“HoldCo”) from Canadian Breaks SponsorCo, LLC (“SponsorCo”), and simultaneously with the issuance of the passive Class A interests, SponsorCo’s remaining interests will be converted into controlling Class B membership interests in HoldCo (“Transaction”). Applicant owns 100 percent of the membership interests in SponsorCo.

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2007 & Supp. 2017 (“PURA”).

The Transaction is proposed to be completed on or about August 1, 2019, and as this Application is submitted at least 120 days before that date, it is filed timely.² In support of this Application, Applicant shows as follows:

I. INTRODUCTION

SponsorCo owns 100% of the membership interests in HoldCo, which in turn owns 100% of the membership interests in Canadian Breaks LLC (“Project Company”), which is developing and constructing a 210.1 megawatt (“MW”) wind generation project (“Project”). The Project will be interconnected into the Electric Reliability Council of Texas (“ERCOT”), and is projected to commence commercial operation in August of 2019.

Applicant and its affiliates wholly or partially own equity interests in generation facilities located in ERCOT and in adjacent power regions capable of delivering power to ERCOT. For simplicity and for the purposes of this Application, Applicant has assumed that the combined installed generation capacity owned by it and its respective affiliates in adjacent power regions capable of delivering power to ERCOT via DC ties is equal to the maximum capacity of the DC ties, which totals 820 MW.³

After reviewing the relevant ownership interests of Applicant, and its respective affiliates, the Applicant concludes that as of the date of this filing, the total combined generation nameplate capacity⁴ owned by the Applicant, Tax Equity Investors, and their respective affiliates exceed the 1% percent threshold set forth by PURA section 39.158 (hereafter, “Section 39.158”). Applicant, Tax Equity Investors, and their respective affiliates assume, without conceding, that

² See PURA § 39.158(a) (requiring that the application must be filed 120 days before the proposed closing date).

³ *Estimate of Installed Generation Capacity in ERCOT*, Project No. 39870 (Jan. 25, 2019) (“Jan. 2019 ERCOT Capacity Estimate”).

⁴ The installed generation capacity amounts that are presented by the Applicants in this application are calculated in accordance with PURA § 39.154, 16 Tex. Admin. Code § 25.91 (“TAC”), and 16 TAC § 25.401. Specifically, it uses the “CDR MW” set forth in the memorandum of Werner Roth, *Commission Staff Estimate of Installed Generation Capacity in ERCOT*, Project No. 39870 (Jan. 25, 2019). The installed generation capacity amounts that are presented by the Applicants in this application include the nameplate capacity amounts without any discount factors or reductions to account for the type of generation, to conform to Chairman Walker’s Memorandum in PUC Docket 48162. See *Application of Cactus Flats Holdings, LLC Under § 39.158 of the Public Utility Regulatory Act*, Docket No. 48162, Open Meeting of June 28, 2018, Agenda Item No. 10 – Memorandum from Chairman DeAnn T. Walker (Jun. 27, 2018).

ownership of a passive equity interest in a power generation company (“PGC”) is deemed to create an “affiliation” between the passive equity interest holder and the PGC. Accordingly, Applicant submits this Application for approval.

After the Transaction is completed, the combined generation owned and controlled by Applicant, Tax Equity Investors, and their respective affiliates will not result in a violation of the 20% installed capacity share limitation set forth in PURA section 39.154 (“Section 39.154”). Therefore, due to the limited number of issues involved in this Application, the Applicant respectfully requests that the Commission consider and approve this Application on an expedited basis in accordance with the proposed procedural schedule set forth herein.

II. JURISDICTION AND APPLICABLE LEGAL STANDARDS

Section 39.158 provides, in relevant part, that an:

owner of electric generation facilities that offers electricity for sale in the state and proposes to merge, consolidate, or otherwise become affiliated with another owner of electric generation facilities that offers electricity for sale in this state shall obtain the approval of the commission before closing if the electricity offered for sale in the power region by the merged, consolidated, or affiliated entity will exceed one percent of the total electricity for sale in the power region.⁵

If the one percent threshold is exceeded, the Commission, upon review, “shall approve the transaction unless the commission finds that the transaction results in a violation of Section 39.154.”⁶ Section 39.154, in turn, makes it unlawful for a PGC and any entity that is affiliated with the PGC to “own and control more than 20 percent of the installed generation capacity located in, or capable of delivering electricity to, a power region.”⁷

As noted above, the Applicant has concluded that the combined ownership interests of the Applicant, Tax Equity Investors, and their respective affiliates exceed the 1% threshold

⁵ PURA § 39.158.

⁶ *Id.*

⁷ PURA § 39.154. PURA § 39.154 (d) also provides that “installed generation capacity refers to ‘potentially marketable capacity,’” and specifies that this includes generation connected to a transmission or distribution system, generation used for the person owning or controlling the generation facility, and generation facilities that will be connected to a transmission or distribution system within 12 months.

found in Section 39.158, but are well below the 20% threshold in Section 39.154. Accordingly, this Transaction will not result in a violation of Section 39.154 and should be approved.

III. STATEMENT OF FACTS

Pursuant to the terms of the Transaction, at the closing of the Transaction, the Tax Equity Investors will acquire 100 percent of the passive, non-managing Class A tax equity membership interests in HoldCo from SponsorCo, and SponsorCo will convert its remaining interests into 100 percent of the controlling Class B managing membership interests in HoldCo. SponsorCo will control the day-to-day operations and activities of HoldCo, and thereby control the day-to-day operations and activities of the Project Company. Project Company is developing and constructing a new 210.1 MW wind-powered electricity generation facility in Deaf Smith and Oldham Counties, Texas. The Project will be interconnected into the ERCOT electric transmission system and will sell its output into the ERCOT market. Sharyland Utilities L.P. will be the interconnecting entity for the Project.

Applicant and its affiliated entities presently own interests in 394.55 MW (nameplate) of generation capacity in ERCOT which is currently installed or expected to be connected with a transmission or distribution system and operating within the next twelve months, as further described in Exhibit A. Tax Equity Investors and their respective affiliates presently own passive tax equity interests in 1,175.88 MW (nameplate) of generation capacity in ERCOT which is currently installed or expected to be connected with a transmission or distribution system and operating within the next twelve months, other than the Project, as further described in Exhibit A.

In addition, Applicant, Tax Equity Investors, and their respective affiliates own interests in generation assets in adjacent power regions. Applicant has assumed that the combined installed generation capacity in adjacent power regions capable of delivering power to ERCOT

via DC ties—and owned by Applicant, Tax Equity Investors, or their respective affiliates—is equal to the maximum capacity of the DC ties, which totals 820 MW.⁸

Exhibit A shows the calculation of the generation interests held by Applicant, Tax Equity Investors, and their respective affiliates by generation facility and ownership interest percentages. The capacity percentages are based on the most recent calculation of installed generation capacity in ERCOT as reported by the Commission Staff in Project No. 39870 at 89,348 MW.⁹

At full nameplate capacity, after taking into account the percentage equity ownership interests owned by Applicant, Tax Equity Investors, and their respective affiliates, the current aggregate generation capacity installed and expected generation capacity to be installed, located in or capable of delivering electricity to ERCOT, owned by Applicant, Tax Equity Investors, and their respective affiliates following the closing of the Transaction, totals 2,390.43 MW. This represents approximately 2.67 % of the total generation capacity in ERCOT, which is well below the 20% threshold in Section 39.154.

IV. AUTHORIZED REPRESENTATIVES

Applicant's authorized representatives for filing and service of all pleadings and other documents in this proceeding are:

Jared Waldron
NCP Canadian Breaks Holdings LLC
c/o Northleaf Capital Partners (Canada) Ltd.
79 Wellington St. W
6th Floor, Box 120
Toronto, ON
Canada
M5K1N9

Rebecca Hays Barho
Nossaman, LLP
816 Congress Ave., Suite 970
Austin, Texas 78701
Email: rbarho@nossaman.com
Tel: 512-813-7942
Attorney for: NCP Canadian Breaks
Holdings LLC

⁸ See Jan. 2019 ERCOT Capacity Estimate.

⁹ *Id.*

V. RELIEF REQUESTED

Based on the foregoing, the Applicant respectfully requests the Commission approve this Application pursuant to Section 39.154 and Section 39.158. Applicant proposes to close the Transaction on or about August 1, 2019, or as soon as possible following Commission approval.

Section 39.158 requires that the Commission “shall approve the transaction unless the Commission finds that the transaction results in a violation of Section 39.154.” As demonstrated by the detailed information in Exhibit A, supported by affidavit (Exhibit B), the Transaction will not result in aggregate ownership or control by the Applicant, Tax Equity Investors, and their respective affiliates of generation capacity in or capable of delivering power to ERCOT exceeding 20% of the total electricity offered for sale in ERCOT. Therefore, the Applicant respectfully requests the Commission issue an order approving this Application as expeditiously as possible, in light of the parties’ desire to close the Transaction as soon as practicable after approval is granted.

VI. PROCEDURES

A. Notice

Consistent with Commission practice, Notice should be published in the *Texas Register* to provide public notice regarding this application. A proposed public notice is attached hereto as Exhibit C. Moreover, since the only other parties affected by this Application are Tax Equity Investors, the Applicant is providing a copy of this Application to Tax Equity Investors contemporaneously with this Application.

B. Procedural Schedule

Since the factual inquiry in this docket is limited and the Applicant desires to close the Transaction on or about August 1, 2019, Applicant respectfully requests that this Application be processed pursuant to the following procedural schedule:

Item	Date
Commission Staff comments on sufficiency of Application and notice	April 18, 2019
Deadline for motions to intervene, intervenor comments, and intervenor requests for hearing	May 20, 2019
Deadline for Commission Staff recommendation or request for a hearing on the merits	May 27, 2019
Deadline for Applicant's response to intervenor' and/or Staff recommendations or request for a hearing	June 3, 2019
If no hearing is requested, deadline for joint proposed order, including findings of fact, conclusions of law, and ordering paragraphs	June 10, 2019
Proposed order to be issued	June 27, 2019
Open Meeting to approve final order	July 18, 2019

The proposed schedule allows sufficient time for notice, intervention (if any), Staff review of the calculations submitted herein, the filing of a proposed order, and allows for further procedures in the unlikely event that the application is contested.

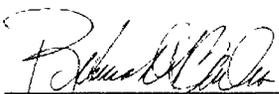
Applicant respectfully requests a good cause exception to 16 Tex. Admin. Code section 22.104(b) ("TAC") to shorten the intervention period from 45 days to 30 days, consistent with the shortened intervention period the Commission has established in other Section 39.158 applications. Pursuant to 16 TAC section 22.104(b), the deadline to file a motion to intervene is 45 days from the date an application is filed with the Commission, unless otherwise provided by statute, Commission rule, or order of the presiding officer. No statute or rule provides for an intervention period other than the default period for applications pursuant to Section 39.158. A shortened intervention period is warranted in this case because: (1) the limited inquiry provided by statute; (2) no other parties are affected by this transaction other than the Tax Equity Investors and there are no intervenors in most (if not all) applications for approval pursuant to Section 39.158; and (3) the Transaction is anticipated to close upon issuance of a Commission order approving the Application.

VII. CONCLUSION

Applicant respectfully requests that the Commission issue the proposed notice and adopt the proposed schedule set forth in this Application, accept this Application for approval of the

Transaction pursuant to Section 39.158, enter a finding that the Transaction will not result in a violation of Section 39.154, expeditiously approve the proposed Transaction, enter a finding that the Transaction will not result in a violation of Section 39.154 of PURA, and award all other relief to which Applicant may be entitled.

Respectfully submitted,

By:  _____

Rebecca Hays Barho
Nossaman, LLP
816 Congress Ave., Suite 970
Austin, Texas 78701
Email: rbarho@nossaman.com
Tel: 512-813-7942
Attorney for: NCP Canadian Breaks Holdings LLC

CERTIFICATE OF SERVICE

I, Rebecca Hays Barho, attorney for NCP Canadian Breaks Holdings LLC, hereby certify that a true and correct copy of this Application was served on all parties of interest on this 4th day of April, 2019, by hand-delivery, facsimile, electronic mail and/or First Class, U.S. Mail.



Rebecca Hays Barho

EXHIBIT A

DETAILED CALCULATIONS ILLUSTRATING EFFECT OF THE TRANSACTION

Applicant's and its Affiliates' Total Installed Capacity in ERCOT¹⁰

Facility Name	Power Region	Nameplate Capacity (MW)	Percentage Ownership Interest	Ownership Capacity (MW)
Canadian Breaks	ERCOT	210.1	100.0%	210.1
Cotton Plains	ERCOT	50.4	85.0%	42.84
Old Settler	ERCOT	151.2	85.0%	128.52
Phantom Solar	ERCOT	15.4	85.0%	13.09
ERCOT TOTAL				394.55

Siemens Financial Services, Inc. and its Affiliates' Total Installed Capacity in ERCOT¹¹

Facility Name	Power Region	Nameplate Capacity (MW)	Percentage Ownership Interest¹²	Ownership Capacity (MW)
Horse Hollow II	ERCOT	184.0	66.7%	122.7
Horse Hollow IV	ERCOT	115.0	66.7%	76.7
Capricorn Ridge II	ERCOT	149.5	66.7%	99.7
King Mountain	ERCOT	278.0	100.0%	278.0
Woodward Mountain	ERCOT	176.0	100.0%	176.0
Indian Mesa	ERCOT	92.0	100.0%	92.0
ERCOT TOTAL				845.1

¹⁰ One hundred percent of the Project (Canadian Breaks) is included in the table of the assets of Applicant.

¹¹ One hundred percent of the Project is included in the table of the assets of Applicant, and therefore is not included on this table to avoid double-counting.

¹² To the extent these represent tax equity investments, the ownership percentage shown is used as a conservative, simplifying assumption; use of the actual percentage of total ownership interests could reduce capacity in ERCOT.

Antrim and its Affiliates' Total Installed Capacity in ERCOT¹³

Facility Name	Power Region	Nameplate Capacity (MW)	Percentage Ownership Interest¹⁴	Ownership Capacity (MW)¹⁵
Bearkat I	ERCOT	196.50	50.0%	98.25
Bruennings Breeze (Coastal)	ERCOT	228.00	37.5%	85.5
Colbecks Corner	ERCOT	200.48	30.93%	62.01
Logans Gap	ERCOT	200.00	12.20%	24.4
Magic Valley (Coastal)	ERCOT	203.28	29.82%	60.62
ERCOT TOTAL				330.78

Calculation Using Full Nameplate Capacity:

(1) Total Generation Capacity of Applicant and Tax Equity Investors in ERCOT:	1,570.43 MW
(2) Total Capacity Capable of Delivering Electricity to ERCOT:	820 MW ¹⁶
Combine Totals of Items (1) and (2):	2,390.43 MW
Total Installed Generation Capacity Located in, or Capable of Delivering Electricity Into, ERCOT:	89,348 MW
Combined Percentage Share of Installed Generation Capacity in, or Capable of Delivering Electricity Into, ERCOT:	2.67%

¹³ One hundred percent of the Project is included in the table of the assets of Applicant, and therefore is not included on this table to avoid double-counting.

¹⁴ To the extent these are tax equity investments, the ownership percentage shown is used as a conservative, simplifying assumption; use of the actual percentage of total ownership interests would reduce capacity in ERCOT.

¹⁵ Ownership interests have been rounded up to the nearest 100th.

¹⁶ Project No. 39870 Staff Spreadsheet. While the total capacity capable of delivering electricity to ERCOT is well below 820 MW, for purposes of this filing, Applicant has chosen to utilize this higher number to provide a highly conservative estimate of the percentage share of installed generation capacity in, or capable of delivering electricity into, ERCOT.

EXHIBIT B

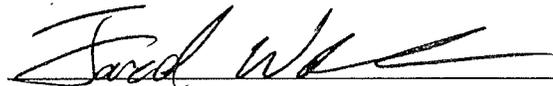
[AFFIDAVITS]

Province
~~STATE OF~~ Ontario §
City
~~COUNTY OF~~ Toronto §

AFFIDAVIT OF JARED WALDRON

BEFORE ME, the undersigned authority, on this day personally appeared Jared Waldron, who, after being duly sworn, stated that he is entitled to make this affidavit, and that the statements contained below are true and correct the best of his information, knowledge and belief.

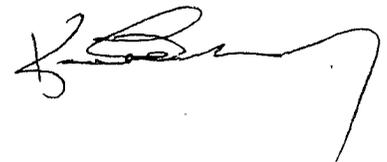
1. My name is Jared Waldron. My business address is 79 Wellington Street West, 6th Floor, Box 120, Toronto, Ontario, M5K 1N9, Canada. I am an employee of an entity affiliated with NCP Canadian Breaks Holdings LLC. All statements made herein are based on my personal knowledge gained in the course of my employment.
2. I am familiar with the foregoing Application of NCP Canadian Breaks Holdings LLC pursuant to Section 39.158 of the Public Utility Regulatory Act. To the best of my information, knowledge and belief, the factual statements contained therein, including the attachments thereto, with respect to the capacity owned by NCP Canadian Breaks Holdings LLC and its affiliates are true and correct. The opinions expressed therein, based upon my professional knowledge and judgment, also are true and correct to the best of my information, knowledge and belief.


Name: Jared Waldron
Title: _____

Subscribed and sworn before me on this 3rd day of April, 2019

Notary Public in and for Ontario, Canada

My commission expires: never



STATE OF Georgia §

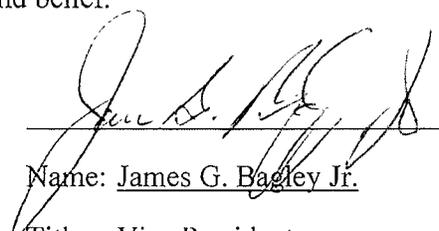
§

COUNTY OF Cobb §

AFFIDAVIT OF JAMES G. BAGLEY JR.

BEFORE ME, the undersigned authority, on this day personally appeared James G. Bagley Jr., who, after being duly sworn, stated that he is entitled to make this affidavit, and that the statements contained below are true and correct the best of his information, knowledge and belief.

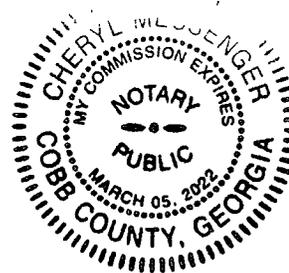
1. My name is James G. Bagley Jr. I am a Vice President of Siemens Financial Services, Inc. All statements made herein are based on my personal knowledge gained in the course of my employment.
2. I am familiar with the foregoing Application of NCP Canadian Breaks Holdings LLC - pursuant to Section 39.158 of the Public Utility Regulatory Act. To the best of my information, knowledge and belief, the factual statements contained therein, including the attachments thereto, with respect to the capacity owned by Siemens Financial Services, Inc. are true and correct. The opinions expressed therein, based upon my professional knowledge and judgment, also are true and correct to the best of my information, knowledge and belief.


Name: James G. Bagley Jr.
Title: Vice President

Subscribed and sworn before me on this 4th day of April, 2019

Notary Public in and for Cobb County, GA

My commission expires: March 5, 2022



[SEAL]

STATE OF MASSACHUSETTS §

§

COUNTY OF SUFFOLK §

AFFIDAVIT OF DAVID LEVY

BEFORE ME, the undersigned authority, on this day personally appeared David Levy, who, after being duly sworn, stated that he is entitled to make this affidavit, and that the statements contained below are true and correct the best of his information, knowledge and belief.

1. My name is David Levy. My business address is One Lincoln Street Sum-0304, Boston, Massachusetts, 02110. I am the President of Antrim Corporation. All statements made herein are based on my personal knowledge gained in the course of my employment.
2. I am familiar with the foregoing Application of NCP Canadian Breaks Holdings LLC- pursuant to Section 39.158 of the Public Utility Regulatory Act. To the best of my information, knowledge and belief, the factual statements contained therein, including the attachments thereto, with respect to the capacity owned by Antrim Corporation are true and correct. The opinions expressed therein, based upon my professional knowledge and judgment, also are true and correct to the best of my information, knowledge and belief.



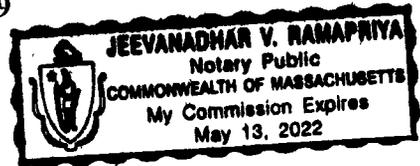
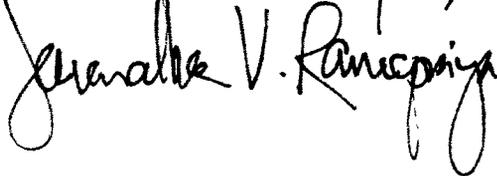
Name: DAVID LEVY

Title: PRESIDENT OF ANTRIM

Subscribed and sworn before me on this 3rd day of April, 2019

Notary Public in and for Commonwealth of Massachusetts

My commission expires: May 13, 2022



STATE OF Georgia §

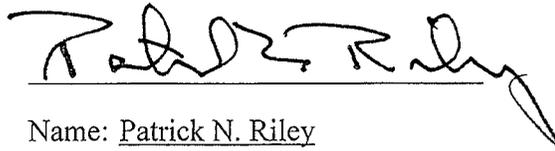
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COUNTY OF Cobb §

AFFIDAVIT OF PATRICK N. RILEY

BEFORE ME, the undersigned authority, on this day personally appeared Patrick N. Riley, who, after being duly sworn, stated that he is entitled to make this affidavit, and that the statements contained below are true and correct the best of his information, knowledge and belief.

1. My name is Patrick N. Riley. I am a Vice President of Siemens Financial Services, Inc. All statements made herein are based on my personal knowledge gained in the course of my employment.
2. I am familiar with the foregoing Application of NCP Canadian Breaks Holdings LLC - pursuant to Section 39.158 of the Public Utility Regulatory Act. To the best of my information, knowledge and belief, the factual statements contained therein, including the attachments thereto, with respect to the capacity owned by Siemens Financial Services, Inc. are true and correct. The opinions expressed therein, based upon my professional knowledge and judgment, also are true and correct to the best of my information, knowledge and belief.



Name: Patrick N. Riley

Title: Vice President

Subscribed and sworn before me on this 4th day of April, 2019

Notary Public in and for Cobb Co, GA

My commission expires: March 5 2022



EXHIBIT C

**PUBLIC UTILITY COMMISSION OF TEXAS
NOTICE OF APPLICATION FOR SALE, TRANSFER OR MERGER PURSUANT TO
SECTION 39.158 OF THE PUBLIC UTILITY REGULATORY ACT**

Notice is hereby given to the public of an application for sale, transfer, or merger filed with the Public Utility Commission of Texas on April 1, 2019, pursuant to Section 39.158 of the Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 39.158 (West 2007 & Supp. 2017) (PURA).

Docket Style and Number: Application of NCP Canadian Breaks Holdings LLC for Approval Pursuant to Section 39.158 of the Public Utility Regulatory Act, Docket No.

_____.

The Application: NCP Canadian Breaks Holdings LLC (“Applicant”) seeks approval of the proposed transaction, wherein Siemens Financial Services, Inc. (“SFS”) and Antrim Corporation (“Antrim,” and together with SFS, the “Tax Equity Investors”) will acquire 100 percent of the passive, non-managing Class A tax equity interests in Canadian Breaks Holdings, LLC (“HoldCo”) from Canadian Breaks SponsorCo, LLC (“SponsorCo”), and simultaneously with the issuance of the passive Class A interests, SponsorCo’s remaining interests will be converted into controlling Class B membership interests in HoldCo (“Transaction”). Applicant and its affiliates own 100 percent of the membership interests in SponsorCo, which owns a 100% interest in Canadian Breaks Holdings, LLC (“HoldCo”), which in turn owns a 100% interest in Canadian Breaks, LLC (“Project Company”), which is developing and constructing a 210.1 MW nameplate capacity wind generation project located in Oldham and Deaf Smith Counties, Texas, that will be interconnected into the Electric Reliability Council of Texas (“ERCOT”) (“Project”). The Applicant, Tax Equity Investors, and their respective affiliates own other interests in electric generation facilities inside and outside of, but capable of delivery into, ERCOT. PURA § 39.158

provides that an owner of electric generation facilities that offers electricity for sale in the state that proposes to merge, consolidate, or otherwise become affiliated with another owner of electric generation facilities that offers electricity for sale in this state shall obtain the approval of the Commission before closing if the electricity offered for sale in the power region by the merged, consolidated, or affiliated entity will exceed one percent of the total electricity for sale in the power region. In the event that the one percent threshold is exceeded, the Commission reviews the transaction and shall approve the transaction unless the Commission finds that the transaction results in a violation of PURA § 39.154, which prohibits a power generation company from owning and controlling more than twenty percent of the installed generation capacity located in, or capable of delivering electricity to, a power region.

Applicant asserts that following the consummation of the Transaction, the aggregate direct and indirect generation interests in or capable of delivery into ERCOT owned by the Applicant, Tax Equity Investors, and their respective affiliates, subject to assumptions with regard to delivery capacity and generation calculations consistent with PUC policy, will not be more than 2,390.43 MW (or 2.67 %), which does not exceed the twenty percent threshold established in PURA § 39.154.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or call the Commission's Office of Customer Protection at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the Commission at (512) 936-7136 or use Relay Texas (toll free) 1-800-735-2989. All correspondence should refer to Docket Number _____.